

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00227

DAVID SHANNON BROWNING

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 4, 2019, the United States of America appeared by Andrew Tessman, Assistant United States Attorney, and the defendant, David Shannon Browning, appeared in person and by his counsel, Brian Yost, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a three-year term of supervised release in this action on June 29, 2018, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on March 23, 2011.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respect: the defendant committed a crime on August 27, 2018 when he was involved in an altercation with his girlfriend, which resulted in him pleading guilty to domestic battery on April 17, 2019 in Magistrate Court in Fayette County, West Virginia; as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violation warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

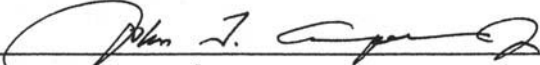
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the

defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FIVE (5) MONTHS, to be followed by a term of thirty-one (31) months of supervised release upon the same terms and conditions as heretofore and the special conditions that he make himself available for mental health treatment as directed by the probation officer and have no contact, direct or indirect, with the victim of the August 27, 2018 domestic battery.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 4, 2019



John T. Copenhaver, Jr.
Senior United States District Judge